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NHTSA-02-12140-4

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July 1, 2002

BY FACSIMILE

George Entwistle
Chief, Certification Branch, Office of Vehicle Safety Compliance
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Re: Docket No. NHTSA-2002-12140, Importation Eligibility Petition for
Nonconforming 1997 and 1998 456 GT and GTA Passenger Cars

Dear Mr. Entwistle:

Through its undersigned counsel, Ferrari North America, Inc. ("FNA") hereby replies to the response of G&K Automotive Conversion, Inc. ("G&K") to FNA's comments in the above-referenced docket.

G&K begins its response by noting that FNA, rather than Ferrari SpA, has submitted comments on G&K's petition. As we previously explained in comments submitted in connection with the import eligibility petitions for the 2001 Ferrari 360s and 550s, FNA is the authorized importer and distributor of Ferrari cars in the United States and has the primary responsibility for addressing gray market import questions. Ferrari SpA relies on FNA to address this issue, and FNA's comments have been made with Ferrari SpA's support, and, in fact, have been based on information received from Ferrari SpA. Thus, there is no basis for suggesting that there is any significance to the fact that FNA, rather than Ferrari SpA, submitted comments.

In its response, G&K concedes that FNA is correct in pointing out that the vehicle referred to in G&K's petition is a 1998 Ferrari M GTA. G&K then asserts that the differences between the "M" and non-"M" 456s principally relate to the aerodynamics of the front hood, the engine electronic management system, and other "cosmetic changes which affect air flow around the vehicle." G&K's Response at 1. G&K, therefore, asks that its petition be "*expanded* to include 1997 and 1998 Ferrari 456 GT, 456 GTA, and 456 M GT, and 456 M GTA Passenger Cars." *Id.* (emphasis added).

The logic of G&K's request for an *expansion* of its petition to cover *both* the "M" and non "M" versions of the 456s is mysterious. The *logical* result of G&K's realization that its

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subject car is an "M" version should have been for G&K to request that its petition be amended and *limited* to cover *only* the 1998 456 M GTA, since, presumably, that is the vehicle that G&K studied for the purposes of its petition.

Perhaps G&K failed to see the obvious need to *limit* (not expand) the scope of its petition because it does not understand the safety-related differences between the "M" and non-"M" versions of the 456s. These differences go beyond the ones enumerated by G&K in its response to FNA's comments and include important structural variations in items that affect safety, such as bumpers, front hood, and air bags.

Thus, because (i) G&K's petition identifies a 456 M GTA as its comparison vehicle, (ii) the "M" versions of the 456s differ from the non-"M" versions with respect to a number of significant safety-related features, and (iii) the "M" versions are more similar to 456s certified by Ferrari for sale in the U.S. than are non-"M" versions, G&K's evidence at most relates to the import eligibility of the "M" version of the 456 GTA. Accordingly, FNA requests that G&K's petition be *narrowed* to encompass only the 1998 456 M GTA.

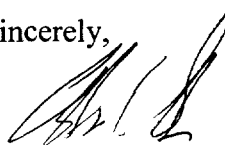
FNA also wishes to point out three additional factual misstatements in G&K's response to FNA's comments. First, with respect to FMVSS No. 214, G&K wrongly suggests that 456s manufactured for most markets have side impact bars identical to those on U.S.-certified vehicles. To the contrary, only vehicles manufactured for sale in the U.S. (and Mexico, where the U.S. version is sold), Canada, and Australia have such door bars.

Second, with respect to FMVSS No. 216 and contrary to G&K's assertion, the roof frame structure of all 1997 and 1998 Ferrari 456s is *not* "identical to that found in the U.S. certified models." G&K Response at 2. The reinforced roof structure is manufactured only for the U.S., Canada, and Australia.

And third, with respect to Part 581, it is incorrect to state that the "bumper structures vary only slightly for different countries." G&K Response at 3. There are three different bumper configurations: European, U.S., and Canadian. The U.S. version is reinforced to comply with the U.S.'s more stringent requirements.

We hope that these clarifications are helpful.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam C. Sloane', with a stylized flourish at the end.

Adam C. Sloane

cc: Docket Management, PL-401 (by hand delivery)